

What to expect when an Environmental Officer inspects your laboratory facility

A brief guide for laboratories, employees and their representatives

Knowing what to expect during and after an inspection can help reduce the apprehension you may have about the process. This fact sheet will help answer frequently asked questions about the inspection process and provide you with useful tips and contact information.

What can I expect from an inspection?

Ministry Specialized Laboratory Inspectors are Environmental Officers (EO) that are very knowledgeable about and experienced with laboratory operations. Inspectors have the legal authority to enter a laboratory facility to conduct an inspection under environmental legislation in Ontario.

The primary responsibility of the Ministry's Specialized Laboratory Inspectors is to administer the Drinking-Water Laboratory Inspection Program and enforce relevant drinking-water legislation to protect the people of Ontario.

Currently, the Drinking-Water Laboratory Inspection Program requires that each licensed laboratory be inspected at least twice per year. At least one of these inspections conducted by the Inspectors is called an Announced Laboratory Inspection. This type of inspection involves the Provincial Officer (PO) scheduling an on-site visit in advance by consulting with you. The other mandatory inspection is called an Unannounced Laboratory Inspection. In this case, the PO provides the laboratory with at least 24 hours notice prior to arriving at the facility to conduct their inspection. The third type, called a Responsive Laboratory Inspection, is where the Inspector arrives unannounced to conduct an abbreviated inspection based on a complaint or concern raised by an external source or Ministry staff member.

Upon arriving at your facility, the Laboratory Inspector will present their PO photo identification and badge.

The PO will ask to speak to the licensed laboratory contact or the laboratory manager/director. The PO will explain the purpose of the inspection and describe the issues that are of specific concern.

The PO may ask to interview personnel, review records, tour the facility, collect samples, take photographs and copy documents. The PO may also request that the laboratory analyze proficiency testing (PT) samples and provide the Ministry with timely results as part of their inspection.

During this time the PO will collect information to evaluate compliance and will make notes to record details of the inspection.

TIP

If you have any questions or something is not clear, ask the PO for clarification at any time during the inspection. Be sure to also inform the Laboratory Inspector of any special laboratory safety procedures.

Why is my laboratory being inspected?

There are several possible reasons why a PO may inspect your laboratory facility:

- Legislative requirements
- Concerns raised by external or internal Ministry sources
- Citizen or employee complaints
- Referral from another government agency
- Follow-up inspection from prior violations
- Routine inspection

How should I prepare for the inspection?

Keep your records, policies, procedures and analytical methodologies organized, readily accessible and available on-site. This will keep the inspection time to a minimum.

What will be looked at during the inspection?

Depending on the purpose of the inspection, the PO will look at some or all of the following:

- Laboratory testing areas
- Quality Management activities
- Sample reception areas
- Analytical testing equipment

- Analyst training and competency records

In addition to the facility tour and interview, the PO has authority to access and to copy relevant records. Examples include:

- Client submission records
- Sub-contract agreements
- Adverse Water Quality Incident (AWQI) records
- MOE Drinking-Water Information System (DWIS) data transmission records
- Analytical results or records for drinking water
- Sample storage and temperature logs

TIP

It is important to provide accurate answers and information to the PO. If you do not know the answer, either obtain the answer from someone who can respond or tell the PO when and how you will obtain an answer.

What legislation is the PO using?

While there are over a dozen acts in Ontario which the Ministry of the Environment administers, the Laboratory Inspector is a Provincial Officer under the following legislation:

- Environmental Protection Act (EPA)
- Ontario Water Resources Act (OWRA)
- Pesticides Act (PA)
- Environmental Assessment Act (EAA)
- Safe Drinking Water Act (SDWA)
- Nutrient Management Act (NMA)

What happens after the inspection?

After the PO has concluded the inspection there will be a closing meeting. This may range from a formal meeting to a brief, informal discussion.

The Laboratory Inspector will review observations and, if necessary, request clarification. The PO will also tell you if more information is needed and will arrange with you how that information is to be provided.

The PO will inform you of any non-compliance and explain the next steps to be taken.

Sometimes it takes several days to complete a final compliance evaluation. In this situation, you will be advised by the PO when to expect your Laboratory Inspection Report.

What happens if non-compliance is identified?

Laboratory businesses are often concerned about what happens if non-compliance is identified.

If the laboratory complies with environmental legislation, the PO will take no action.

However, every non-compliance situation identified will be promptly evaluated to determine whether it constitutes:

- Known or anticipated human health or environmental impact
- A potential, unknown environmental hazard,
- Any other non-compliance situation

If a laboratory is operating without a licence for specific tests that may pose an immediate danger to human health such that immediate action is warranted, the PO may force action, including ceasing the laboratory's testing operations.

A Provincial Officer's Order is typically used to deal with serious non-compliance. An Order is a legal document setting out obligations for a specific person or persons in relation to a specific operation.

Some non-compliance may warrant a ticket, under Part I of the Provincial Offences Act. These are similar to speeding tickets, and have preset fines. These are issued where there are lesser violations.

In other non-compliance situations you could receive a verbal or written request to correct this within a certain time period. This is known as Voluntary Abatement. Such requests are typically used where minor administrative issues are found and can be corrected within a reasonable time period as agreed to by both parties.

When there is a serious non-compliance, the PO may refer the matter to the Ministry's Investigations and Enforcement Branch (IEB). The IEB will then conduct an investigation and recommend charges, if appropriate. If the IEB lays

charges, then you will receive a Part III summons under the Provincial Offences Act.

TIP

Consider conducting a self-assessment of your laboratory facility to ensure that you are complying with legislative requirements. This can help improve your compliance and identify opportunities that can reduce your operating costs.

Where do I go for more information?

For more information visit our website at:
www.ene.gov.on.ca.

You may also contact the Ministry's Laboratory Services Branch, Regulatory Requirement Group, for more information about environmental inspections and regulations at 416-235-6005.

During non-business hours, any questions regarding Adverse Water Quality Incidents (AWQI) can be answered by the Spills Action Centre toll-free at 1-800-268-6060.

This fact sheet gives a general and simplified description of what to expect and how to prepare for an environmental inspection by a Provincial Officer with the Ministry of the Environment.